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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,458	10/11/2001	Gordon T. Brown	47781-6	9828
7590	02/02/2010			
Alan G. Towner Pietragallo, Bosick & Gordon One Oxford Centre, 38th Floor 301 Grant Street Pittsburgh, PA 15219			EXAMINER	
			SHRESTHA, BIJENDRA K	
ART UNIT	PAPER NUMBER			
	3691			
MAIL DATE	DELIVERY MODE			
02/02/2010	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/975,458	<b>Applicant(s)</b> BROWN, GORDON T.
	<b>Examiner</b> BIJENDRA K. SHRESTHA	<b>Art Unit</b> 3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### **Status**

1) Responsive to communication(s) filed on 02 December 2009.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 45-50 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 45-50 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

Claims 28-70 are presented for examination. Applicant filed an amendment on 12/02/2009 cancelling claims 28-44, 51-70 and amending claims 45 and 48. After careful consideration of applicant's arguments and amendments, new ground of rejections of the claims necessitated by applicant amendments has been established in the instant application as set forth in detail below. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Examiner withdraws double patenting rejections with respect to abandoned application 09/975,457 as of 07/28/2009. The submission of terminal disclaimer obviates the non-statutory double patenting rejection over the patent 5,875,435.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 45 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 45, applicant uses phrase "may be" in "..... accounting statement **may be** generated" and "...first computer **may be** used to produce....." without distinctly pointing out confidence for the generating a accounting statement. Use of the phrase "may be" renders the claim as unclear

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as to whether the these steps are required to be carried out or not. Appropriate correction is required.

Examiner interpreted the claim language as that first computer generates an accounting Statement.

***Intended use Language***

3. Claims 45 and 48 uses phrase "...communication network **capable of** transferring...." and "...second computer is **capable of** electronically recording....." respectively, pertains to intended use language which is not given any patentable weight. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (see PMEP, form paragraph 07-37-09).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 45-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson, U.S. patent No. 4,823,265 (reference A in attached PTO-892).

6. As per claim 45, Nelson teaches a system for providing financial accounting statements for a first entity, comprising:

    a first computer having at least one file from which an accounting statement may be generated (see Finance Dept. Terminal (42));

    a second computer for receiving data inputs, said data inputs including electronically recorded financial -transaction information made between said first entity and a second entity (see Fig. 2, Central Processing System (30), Record Storage (50);

    an open communication network for transferring said data inputs from said second computer to said file of said first computer (see Fig. 1, column 3, lines 7-12, 20-24; where different terminal are linked to processing system 20 through data communication link and buyer in first computer (terminal) request access to second computer to buy renewable options(see Fig. 6, step 100; column 8, lines 42-52),

    wherein said data inputs in said file of said first computer may be used to produce said accounting statements derived from said financial transaction information including income, expense, asset and/or liability information for the first entity (see Fig. 1 and 2, Terminal (10), Display (14); Fig. 6, steps 102, 108, 112; where buyer input in terminal is processed as shown in Fig. 6A to generate statement as shown in Fig. 5a and 5b (see column 5, lines 65-67 and column 22-49) .

7. As per claim 46, Nelson teaches claim 45 as described above. Nelson further teaches the system, including:

a first said file in said first computer for receiving accrual accounting data inputs (see Fig. 4c, 4d and 5a); and

a second said file in said first computer for receiving cash accounting data inputs (see Fig. 5b).

8. As per claim 47, Nelson teaches claim 45 as described above. Nelson further teaches including

means for transferring funds from said first entity to said second entity (see Fig. 6A, step 172).

9. As per claim 48, Nelson teaches claim 45 as described above. Nelson further teaches the system including

said second computer comprises means for electronically recording, collecting, processing, storing and transmitting said financial transactions (see Fig. 1 and Fig. 2. Central Processing System (30); column 3, lines 65-67 to column 1-12; column 6, lines 26-31; column 9, lines 43-50).

10. As per claim 49, Nelson teaches claim 45 as described above. Nelson further teaches the system wherein

said first computer is a personal computer (see Fig. 1, Finance Dept. Terminal (42) is a personal computer printing billings and statements).

11. As per claim 50, Nelson teaches claim 45 as described above. Nelson further teaches the system wherein

said second computer is a personal computer (see Fig. 1, Central Processing System is personal computer processing input data).

***Response to Arguments***

12. After careful consideration of applicant's arguments and amendments, new ground of rejections of the claims necessitated by applicant amendments has been established in the instant application. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Examiner respectfully disagrees with applicant argument that a financial terminal is not a (first) computer, the terminal is merely used to print out periodic statements and billing statements for clients. Nelson teaches terminal comprising processing means, display and printer (see Fig. 1 and 2; column 1, lines 66-68 to column 2, line 1) and buyers use the terminal to access buy-renewable option system in second computer and enters input data (see Fig. 6a; column 8, lines 42- 52) to generate updated financial statements (see Fig. 5a and 5b)).

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. Applicant is required under 37 CFR 1.111(c) to consider references fully when responding to this action.

The following are pertinent to current invention, though not relied upon:  
Braun et al. (U.S. Patent No. 4,321,672) teach financial data processing system.

Earle (U.S. Patent No. 5,262,942) teaches financial transaction network.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 7:00AM-4:30PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 3691  
01/22/2010

